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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

Plaintiffs, Peter DelVecchia individually and as next friend of A. D., a minor, and Defendant Frontier Airlines, Inc. (“Frontier”), the only Defendant that has been named in the Complaint (ECF No. 1) and has appeared in this civil action,<sup>1</sup> hereby file this Stipulated Motion to Refer Case to Magistrate Judge for Settlement Conference.

<sup>1</sup> Plaintiffs have filed a Motion for Leave to Amend the Complaint (ECF No. 39) to, *inter alia*, name the additional Defendants currently identified as John Does 1 through 5.

**STIPULATED MOTION TO REFER CASE  
TO MAGISTRATE JUDGE FOR SETTLEMENT CONFERENCE**

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In support of this Stipulated Motion, the parties state that they previously informed the Court in their Stipulated Discovery Plan and Proposed Scheduling Order (ECF No. 30), of their agreement to “seek referral to a magistrate judge for a settlement conference to occur approximately 30 days before the deadline for Fed. R. Civ. P. 26(a)(2) expert disclosures, *i.e.*, on or about December 2, 2019.” (ECF No. 30 at 4-5.) Due to unforeseen delays in scheduling depositions, the parties have jointly asked the Court to extend several of the remaining pretrial deadlines, including the dates for the expert disclosures, by 90 days, *see* Stipulated Motion to Extend, ECF No. 40. Nevertheless, the parties continue to believe that this case would benefit from early submission to the Magistrate Judge to conduct a settlement conference before the parties incur substantial expenses retaining expert witnesses. Therefore, the parties request that this case be referred to Magistrate Judge Nancy J. Koppe, with a request that she schedule a settlement conference involving the parties during the month of January, 2020 if a January date is available on which all required participants are able to attend.

Courts in the Ninth Circuit generally favor the submission of cases to settlement conferences: The purpose of a settlement conference is to facilitate a settlement or to narrow the disparity between the parties by the candid input of a neutral, disinterested judicial officer. Settling cases prior to the filing and resolution of dispositive motions benefits the court and the parties by reaching a just, speedy and inexpensive determination of an action consistent with Rule 1[.] If a settlement is possible, it is imperative that both plaintiff and defendant arrive at a settlement conference with an open mind and a genuine willingness to meaningfully discuss the strengths and weaknesses of each party's case.

*Pitman v. Brinker Int'l, Inc.*, 216 F.R.D. 481, 485 (D. Ariz. 2003) (cited in *Schroeder v. Smith's Food & Drug Ctrs., Inc.*, Case No. 2:12-cv-02024-APG-NJK (D. Nev., July 10, 2014) at \*2); *see also*, *United States v. U.S. Dist. Court for the N. Mariana Islands*, 694 F.3d 1051, 1057 (9th Cir. 2012). The instant case is one that is likely to benefit from an early settlement conference because the parties anticipate the necessity of retaining several expert witnesses to testify at trial, at considerable expense

1 to both sides, and further anticipate the necessity of conducting additional expensive discovery in  
2 order to prepare the case for trial. To the extent the parties can reach a settlement before incurring  
3 such expenses, the settlement would obviate these expenses and would further avoid the need to  
4 engage the Court's time on discovery disputes and other pretrial matters.  
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6 For the reasons set forth above, the parties jointly request referral to Magistrate Judge Koppe  
7 for a January settlement conference.  
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11 IT IS SO ORDERED:  
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14 UNITED STATES DISTRICT JUDGE  
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16  
17  
18 DATED this 27th day of November, 2019.  
19  
20

21 /s/ John D. McKay  
22 John D. McKay (admitted *pro hac vice*)  
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/s/ Tara Shelke

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